



EI - 16300

Harsimus Cove Association
344 Grove Street
PO Box 101
Jersey City, NJ 07302

January 24, 2009

Secretary
Surface Transportation Board
Washington, DC 20423

Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re:

**Consolidated Rail Corporation –
Abandonment Exemption –
In Hudson County, NJ** AB 167 (Sub-no. 1189X)

224433

**CSX Transportation, Inc.
Discontinuance Exemption –
In Hudson County, NJ** AB 55 (Sub-no. 686X)

224436

**Norfolk Southern Railway Co. -
Discontinuance Exemption -
In Hudson County, NJ** AB 290 (Sub-no. 306X)

224437

Reply and Request for Consulting Party Status

On January 6, 2009, Conrail et al. filed a Notice of Exemption in the cases referred to above. At the same time, Conrail et al. filed "Comments" and "Motion to Stay Effective Date of Verified Notices of Exemption and to Waive Pre-Filing Notification Requirements"

Harsimus Cove Association opposes class exemption procedures in this very controversial case. An abandonment authorization within the schedule Conrail et al. suggest cannot be done in compliance with the National Historic Preservation Act (NHPA) sections 106 and 110 (k), 16 U.S.C. 470 f and 470 h-2(k) or the National Environmental Policy Act (NEPA) section 102, 42 U.S.C. 4332

We believe that abandonment authorization is barred by NHPA Section 110 (k), because Conrail and its developer partner have engaged in anticipatory demolition of rail assets

We call for a full Environmental Impact Statement (EIS) to address the many issues raised by this potential abandonment.

Our organization further requests consulting party status in an NHPA Section 106 review

Harsimus Cove Association encompasses a neighborhood that is almost entirely made up of a National Historic District. Our community has a deep respect, understanding and appreciation of our surroundings. We consider our Embankment as an integral part of our community.

The destruction of the Embankment would tear asunder our community from our neighboring historic districts. The damage would be irreversible and in some ways worse than the devastating effect that Robert Moses' highways had on the neighborhoods they eviscerated.

The massive stone and infill Embankment plays an important environmental role in our low-lying neighborhood. Our city has a combined sewer system, so any significant rainfall causes flooding of polluted water into our streets and our homes. The Embankment now serves to sequester the water in its soil and slowly release it.

Certificate of Service

By my signature below, I certify deposit on January 24, 2009 at an express service for overnight business day delivery, to Robert Jenkins, Mayer Brown LLP, 1909 K Street NW Washington DC 20006 and, by first class mail, to the additional parties on the attached service list.


Eric Fleming, President, Harsimus Cove Association

**Service List
January 2009**

**Charles H Montagne
426 NW 162nd Street
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**Mayor Jerramiah T Healy
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**Valerio Luccio
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**Jill Edelman, President
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140 Bay Street, Unit 6J
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**Gretchen Scheiman
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Historic Paulus Hook Association
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**Gregory A Remaud
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**Robert M. Jenkins
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**Mark Maunello, Commissioner
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**Dan Webber
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**Dolores P Newman
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**Daniel D Saunders
Deputy State Historic Preservation Officer
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**Maureen Crowley, Coordinator
Embankment Preservation Coalition
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